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VIA CM/ECF

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August 7, 2018

The Honorable Susan Y. Illston
United States District Court of the
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102-3489

**Re: *Verinata Health, Inc. et al v. Ariosa Diagnostics, Inc. et al* (Civ. A. No. 3:12-cv-05501-SI
(N.D. Cal.) (Lead Case))**

Dear Judge Illston:

Plaintiffs write to alert the Court that they do not believe that this litigation has arrived at a final judgment necessary for an appeal.

Plaintiffs sought prejudgment interest (Dkt. No. 662) and the Court did not grant or deny that request. The judgment is not final for appeal purposes until then. *Halo Elecs., Inc. v. Pulse Elecs., Inc.*, 857 F.3d 1347, 1352 (Fed. Cir. 2017) (“The district court never resolved the parties’ dispute regarding the date from which to begin calculating prejudgment interest or set the amount of prejudgment interest to be awarded to Halo. As a result, there is no final decision because the district court has not ‘determine[d], or specif[ied] the means for determining the amount’ of prejudgment interest.”) (citations omitted); *see also Dual-Temp of Illinois, Inc. v. Hench Control, Inc.*, 777 F.3d 429, 431 (7th Cir. 2015) (“We have reviewed the parties’ jurisdictional memoranda and the motions papers, and we conclude that there is no final judgment for the defendants to appeal. The award of prejudgment interest makes up part of a plaintiff’s damages. And the district court must quantify damages before a judgment can be final.”) (citations omitted).

Plaintiffs have appealed from this Court’s injunction, but resolution of this remaining issue, and the entry of an amended judgment that meets the final judgment rule, is necessary for an appeal from the judgment on the verdict. Plaintiffs are open to a teleconference, a live hearing or any other method to help reach a final judgment.

Defendants have not responded to Plaintiffs’ request to address this issue jointly despite multiple requests over the last week plus.

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Respectfully Submitted,

/s/ Edward R. Reines

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cc: All Counsel (by ECF)